IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2538 of 2005

Between:

Smt. V. Venkata Lakshumma, W/o. Late Damodar,
R/o. Moragudi Village, Jammalamadugu Mandal,

Cuddapah District.

..... PETITIONER

AND

1 The Joint Collector, Cuddapah.
2 The Revenue Divisional Officer,

Jammalamadugu, Cuddapah District.
3 The Mandal Revenue Officer,

Jammalamadugu Revenue Mandal,

Jammalamadug Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent to pass appropriate orders in the appeal filed by the Petitioner Dt.10/1/05 against the proceedings of the 2nd respondent Vide Ref.No.B/1528/2004, dt. 16-12-2004 and consequently directing the respondent not to give effect to the proceedings in Ref.No.B/1528/2004, dt. 16/12/2004 of the 2nd respondent and to restore the running of F.P. Shop by the Petitioner pending appeal.

Counsel for the Petitioner:MR.NAGARAJU NAGURU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The 2nd respondent, Revenue Divisional Officer, Jammalamadugu, Kadapa District, suspended the authorization of the petitioner as a fair price shop dealer through proceedings, dated 16.02.2004. Immediately thereafter, the petitioner approached this Court by filing W.P.No.24701 of 2004. The writ petition was disposed of on 29.12.2004, leaving it open to the petitioner to avail the remedy of appeal and seek interim orders. It was also directed that in case no arrangement has been made as yet, the petitioner shall be continued as dealer.

The petitioner preferred an appeal before the 1st respondent on 10.01.2005. She also filed an application for interim orders. Her complaint is that the 1st respondent has not passed any order so far and in the meanwhile, she is disabled from functioning as dealer.

Heard learned counsel for the petitioner and learned Government Pleader for Civil supplies.

The petitioner availed the remedy of appeal against the order of suspension. The 2nd respondent suspended the authorization of the petitioner pending enquiry. As of now, no show cause notice is said to have been issued to the petitioner. The application filed by the petitioner for grant of stay remained undisposed for more than a month. Virtually, the very purpose of filing an application for stay is defeated. The allegations made against the petitioner for suspending the authorization pending enquiry are not so serious. They are, in fact, vague and general in nature. Further, even before any show cause notice was issued and her explanation was filed in response to it, the 2nd respondent, in the order, dated 16.12.2004, observed as under:

> "From the above it is clearly established that the FP shop dealer is not distributing ECs to the cardholders. She indulged in clandestine business by issuing lesser quantity than the prescribed quantity as per scale of distribution and violated A.P.Public Distribution System Control Order, 2001."

Such findings are impermissible at this stage.

For the foregoing reasons, the writ petition is disposed of, directing that the order of suspension, dated 16.12.2004 passed against the petitioner shall remain stayed, till the 1st respondent disposes of the appeal and she shall be entitled to function as dealer. There shall be no order as to costs.

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15.02.2005

Note: Issue C.C. by tomorrow.

(B/o)

Jsu

To

1 The Joint Collector, Cuddapah.
2 The Revenue Divisional Officer,

Jammalamadugu, Cuddapah District.
3 The Mandal Revenue Officer,

Jammalamadugu Revenue Mandal,

Jammalamadug Cuddapah District.

4 Two CCs to the GP FOR CIVIL SUPPLIES,

High Court Buildings, Hyderabad (O.U.T.)

5 2 CD copies